

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 1:16-cv-10181-FDS

DANNY WENG, CHRISTOPHER HART,)
MARKUS VALLASTER, SARAH ZESCH,)
JOHN STANTON, MICHAEL GOULD)
and COMMONWEALTH SECOND)
AMENDMENT, INC.,)
Plaintiffs,)
v.)
WILLIAM B. EVANS, in his Official)
Capacity as Commissioner of the Boston)
Police Department, and DANIEL C.)
O'LEARY, in his Official Capacity as)
Chief of the Brookline Police Department,)
Defendants.)

**DEFENDANT DANIEL C. O'LEARY'S OPPOSITION AND CROSS MOTION TO
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

The defendant Town of Brookline Police Chief Daniel C. O'Leary (Chief O'Leary), pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1 of this Court, hereby opposes plaintiffs' motion for summary judgment and cross-moves for summary judgement with respect to all of the claims contained in plaintiffs' Amended Complaint. Chief O'Leary respectfully requests that the plaintiffs' motion be denied and that his motion be granted. In support thereof, Chief O'Leary provides his response to Plaintiffs' Rule 56.1 Statement, his own Rule 56.1 Statement, his own affidavit, the affidavit of Sargent Christopher Malinn and Chief O'Leary's Memorandum of Law.

Respectfully submitted,

Defendant DANIEL C. O'LEARY in his
Official Capacity as Chief of the Brookline
Police Department,
By his attorney,

/s/ John Buchheit

John J. Buchheit, Esq.
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Dated: October 6, 2017

CERTIFICATE OF SERVICE

I, John J. Buchheit, hereby certify that on this 6th day of October, 2017, I have served the foregoing document on all counsel of record by Electronic Mail.

/s/ John Buchheit